

REMARKS

Claims 1, 2, 6 - 12 and 14 - 23 are in this application and are presented for consideration. By this Amendment, Applicant has revised several of the claims including independent claims 1, 6 and 11. Applicant has made further changes to improve the form of the claims.

The rejection of claims 3, 4, 8, 9 and 13 has been maintained.

Applicant respectfully requests that this rejection be reconsidered in view of what is believed to be the allowability of the independent claims. Further, Applicant's claims as now presented set forth a combination of features which are neither taught nor suggested by the prior art as a whole. Accordingly, reconsideration is deemed proper.

Claims 1, 2 and 6 - 23 have been rejected as being indefinite.

Applicant has clarified the claims. Applicant has noted the formation of the heat seal as a feature of the combination based on a sealing together of a portion of the outer layer film and a portion of the inner layer film or as specified in claim 11 by heat sealing two portions of the layers to form a heat sealed section and a not heat sealed section. The claims also highlight the peeling away which is provide for opening the casing, in particular based on the difference in peel strengths. This is highlighted for example in claim 1 which states that a pulling of the not heat sealed section adjacent to the notch causes the outer layer film to be disrupted and then peeled from the intermediate layer starting adjacent to the heat seal section. Claim 6 has similar language noting that the casing is opened by a pulling of the not heat sealed section causing the outer layer film to be disrupted adjacent to the heat sealed section. Revised claim 11 has similar language with regard to the disrupting of the first layer, namely based on the connection between the first layer and intermediate layer having a lower peel strength as compared to the connection between

the second layer and the intermediate layer.

It is Applicant's position that the claims highlight an important combination of features which is neither taught nor suggested by the prior art. It is further Applicant's position that claims are clear and definite as presented. Should the Examiner believe that issues remain which have not been resolved, the Examiner is requested to telephone Applicant at the number given below.

The premise of the invention is a tubular sealed casing or other sealing of packaging with a film comprising plastic film layers, particularly at least three film layers. A heat seal is formed by overlaid sections of the film.

A not heat sealed section is left along the heat-sealed section (as shown in Fig. 2).

Preferably the not heat sealed section has an opening assisting structure, namely V-shaped notches, I-shaped notches or other flaws or cuts formed to allow a grasping or pulling of the notch sealed section (see Fig. 3).

No reference discloses these features in combination as claimed.

The invention provides further features using the premise as discussed above. The invention provides a peel strength between the outer layer film 5 and the intermediate layer 3 which is set to be lower as compared to a peel strength between an inner layer film 4 and an intermediate layer film 3.

According to the features of the invention an opening action can occur based on a tearing or pulling starting from the not heat sealed section 8 (see Fig. 5).

Because the seal strength of the heat sealed section 7 is high, the outer layer film 5 is broken and peeled off from the intermediate layer 3 (see Fig. 4). The different peel strengths of

the connection between layers is such that a pulling of the not heat sealed section will not disrupt the heat sealed section 7 but instead will disrupt or break the film 5 as it is peeled off the intermediate layer film 3.

The prior art fails to teach and fails to suggest the combination of features. Accordingly, Applicant requests that the Examiner favorably consider the claims as now presented.

Respectfully submitted
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